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C. C. Peck, Esq -

PRESS

In the case of Miller vs Williamson I understand Gillespie has asked the court for an injunction to our subpoena for the prisoner in court of Benson; can this be put in the record of Sangamon C. C. at this term?

Springfield,

A. Lincoln

June 1st 1856

3897, 3898
Sangamon Circuit Ct-

June term 1856

Miller

vs

Williamson over Bennett

Damages - replevin -

A. Lincoln

hp -

March term no judg -

Lincoln and Wendon

hp -

Stuart and Gillespie
for Defendant

Original in Foundation Files

In the Circuit Court
of Sangamon County
June Term 1856 =

Plea of trespass and
non assumpsit = Damages \$610.00

The Honorable Judges of the Circuit Court of Sangamon County =

(1) Declaration filed with clerk of March Term of S.C.C.

(2) L. G. Miller plaintiff files affidavit =

(3) Wm. Davis Dams pending at the March Term of court =

(4) Lincoln over Wendorf p.p. =

Submitted June 1st

Springfield,

A. Lincoln

for plaintiff =

(over)

State of Illinois
County of Sangamon } ss.

The Honorable Judges of the Circuit Court of Sangamon County =

In the Circuit Court
of Sangamon County
June Term 1856 =

Plea of trespass and
non assumpsit = Damages \$600.00

- (1) Declaration filed with clerk of March term of S.C.C.
- (2) L. J. Miller plaintiff files affidavit =
- (3) Wm. David Davis pending at the March term of court =
- (4) Lincoln and Wendon p. p. = Collins and Smith p. d. =

Submitted June 1st
Springfield,

A. Lincoln
for plaintiff =

In the Circuit Court
of Champaign County
March term 1858.

State of Illinois

County of Champaign

} ss - Trespass &

Damage.

J. C. Miller Plaintiff complains of William
Evans Defendant on a plea of trespass-to wit-

For that whereas the said plaintiff on the twenty-
fourth day of December one thousand eight hundred
and fifty-seven in the county aforesaid was he
was operating a grist mill at a point on the
Sangamon River known as Miners Creek - and
plaintiff further avers that the said defendant
was on the said day and date working at a
point farther up the said creek cutting saw logs -
that said defendant threw some saw logs into the
creek which saw logs floated down stream and
burst his the plaintiffs mill dam - Plaintiff fur-

ther avers that the said bursting of his mill dam
caused him the said plaintiff great loss in produce
and property damage - And plaintiff further avers
that said defendant has no right nor title to the
said creek nor the timber on the land thereof -
that he the said plaintiff asked the said defendant
to repair the loss to his plaintiffs mill dam and the
said defendant refused so to do - and plaintiff avers
that the said Miners Creek is private property and
he has been operating his grist mill at the said point
for a number of years and that the said defendant
took possession of a parcel of land bordering on the
said creek and proceeded to cut the timber thereon
and float the said timber down stream thereby en-
dangering the owner and operator of mill dams on
the said creek - and plaintiff further avers that the
proper time is when to float saw logs down stream
without causing danger to property is during the spring
freshets when no grist mills are operating and
plaintiff says in fact that the said defendant is
guilty of trespass - and therefore he brings his suit
and asks damages in the sum of four hundred
dollars - and he will ever pay &c.

Witness my hand

March 2nd 1858.

Attest

by -

Champaign Circuit
Court

March Term 1858

Muller }
vs }
Evans } *Truman &*
 Damages
 \$400.00

Lincoln and
Wendon
for Plaintiff

Declaration filed March 1st 1858
with clerk ~~attached~~ *of court*

Urbana, March 2nd 1858

J. C. Becher, Esq.,
Monticello, Ill.

Dear Sir,

Your letter came to me in
Springfield and gave me no time to write.
In my opinion the only thing the Court may
do is decide whether the said stream is a
navigable stream within the meaning of the
law - I shall be in Monticello on Tuesday
and will see you then -

Yours truly
A. Lincoln

In the Circuit Court of
Sangamon County
Dec. Term 1858

State of Illinois
County of Sangamon ss.

Plea of Trespass &c.

James &c vs

For That whereas, Melchor Edwards, Plaintiff -
complains that Spler Miller, Defendant did on
the Twenty-fourth day of September one thousand
eight hundred and fifty-eight in the said county
of Sangamon sell and convey one parcel of
Property situated in the said county to wit: one
hundred and one acres of land - one building known as
a dwelling house - one barn - chattels &c - Plaintiff
avows that he paid the said defendant the sum
of money of one thousand dollars and that the
said defendant received and accepted the said
sum of money in good faith - Plaintiff further
avows that the said defendant sold and convey-
ed the said property to him without having any
title or right to the said property - Plaintiff further
avows that on the 2nd day of October one thousand
eight hundred and fifty-eight the Sheriff of the
said County delivered to him an order to execute the
said land and property & having no legal title to
possess it -

And Plaintiff says in fact that the said defend-
ant is guilty of fraud and therefore he brings his
suit - And he prays the Court &c -

Lincoln and Waindon

L. L. W.

In Sangamon Circuit Court
To The Honorable Judges of the Circuit Court of
Sangamon County

Copy of Affidavit of Plaintiff

Before me a Notary Public of the City of Springfield
County of Sangamon, State of Illinois appeared William
Edwards with his counsel Abraham Lincoln and
being duly sworn deposed that the statements in
the attached declaration are to the best of his
knowledge and belief true.

Attest:

Susan Edwards
Bernard C. Miller
Abraham Lincoln

L.R. Matheny
Notary Public

{ seal

The above is a true copy of the affidavit
filed with declaration of Plaintiff for December
Term of Court

Respectfully submitted
A. Lincoln
Springfield, Dec. 1st 1858

only missing
my records with
the Court
Dec. 1st 1858
A.O. Smith

Boston, Mr. Edwards,
and A. J. Logan
for Defendant

Lincoln and Woodson
for Plaintiff

December Term

Edwards
vs
Miller
Springfield
Dec. 1st 1858

Springfield, Ill.

Wm. Dean
Dean

Benson
Dean

Reverend

Saugamaw C. C.

Dec. Term 1858

Lincoln & Herndon
p. d.

Wm. Dean
Dean

In the Circuit Court of
Sangamon County

December Term 1858

State of Illinois
County of Sangamon

} ss.

Plea of Trespas &
Damages -

To The Honorable Judges of The Circuit
Court of Sangamon County -

- (1) For that whereas in The Declaration The Plaintiff William Benson avers that he was engaged in the business of operating a grist mill at a point on The Sangamon River set
- forth in The declaration - He further avers that while so engaged the Defendant Silas Deane was at a point farther up stream cutting saw logs - that he the defendant threw some saw logs into The stream during
- the Spring freshet - That the same floated down stream and burst his The plaintiffs mill dam causing him great loss and causing

damage to his mill - Therefore he seeks
replevin in the sum of money of four
hundred dollars \$400.00 -

Appearing for Defendant

Lincoln and Threlton

Submitted -

That the question before the Court is
whether the said stream is a navigable stream
within the meaning of the term - If the said
stream is a navigable stream within the mean-
ing of the term it is therefore a Public high-
way and as such defendant is within his
rights in floating saw logs - If the stream is
not a navigable stream within the meaning of
the term it is therefore private property and if
such it is the opinion of counsel that Plaintiff
may recover his damages by replevin -

Springfield, Dec. 1st 1858. A. Lincoln

In Sangamon Circuit Court
To The Honorable Judge of the Circuit Court of
Sangamon County

Copy of Affidavit of Plaintiff

Before me a Notary Public of the city of Springfield
County of Sangamon, State of Illinois appeared Nathan
Edwards with his counsel Abraham Lincoln and
being duly sworn deposed that the statements in
the attached declaration are to the best of his
knowledge and belief true.

Attest:

Susan Edwards

Nathan E. Miller

Abraham Lincoln

C. R. Matheny
Notary Public

{ seal

The above is a true copy of the affidavit
filed with declaration of Plaintiff for December
term of Court

Respectfully submitted
Abraham Lincoln

Springfield, Dec. 17 1858

copy made
and indexed with
the Paul clerk
December 17 1858
A. D. Clark

Boylan, Mr. Edwards,
and J. J. Lyon
for Defendant

Lincoln and Wenden
for Plaintiff

Deposited Dec 17

Boylan
Wenden
Lincoln

Deposited Dec 17

In the Circuit Court of
Sangamon County
Dec. Term 1858

State of Illinois
County of Sangamon ss.

Plea of Trespass &c.
Fraud &c

For That whereas Melchor Edwards, Plaintiff - complains that Spler Miller, Defendant did on the Twenty-fourth day of September one Thousand eight hundred and fifty-eight in the said county of Sangamon sell and did convey one parcel of Property situated in the said county to-wit: one hundred and one acres of land - one building known as a dwelling-house - one barn - chattels &c - Plaintiff avers that he paid the said defendant the sum of money of one thousand dollars and that the said defendant received and accepted the said sum of money in good faith - Plaintiff further avers that the said defendant sold and conveyed the said property to him without having any title or right to the said property - Plaintiff further avers that on the 2nd day of October one Thousand eight hundred and fifty-eight the Sheriff of the said County delivered to him an order to vacate the said land and property as having no legal title to possess it -

And Plaintiff says in fact that the said defendant is guilty of fraud and therefore he brings his suit - And he prays the Court &c -

Lincoln and Waindon

Attorneys

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WASHINGTON, D.C.

